



New Richmond Police Department
1443 Campus Drive
New Richmond Wisconsin 54017
(715) 246-6667 Office (715) 246-4370 Fax

Mark W. Samelstad
Chief of Police



TO: NEW RICHMOND BUSINESSES

FROM: NEW RICHMOND POLICE DEPARTMENT

RE: WORTHLESS CHECKS

Due to recent changes in the Check Diversion Program that include increased operational costs, manpower cuts and budget cuts it has become necessary for the New Richmond Police Department to become involved in the prosecution of worthless check cases. Effective July 1, 2015 the New Richmond Police Department will resume investigating and prosecuting issuance of worthless checks complaints. We will continue to investigate any one check over \$50.00 or a \$50.00 aggregate of checks issued by the same check writer within a continuous 15-day period. As always, known forgeries will be accepted for investigation and prosecution regardless of the dollar amount of the check.

For successful prosecution of applicable law violations, we must be able to prove a number of elements including the check writer's intent not to pay the check, and most importantly, the check writer's identity. Proving the check writer did not intend to pay the check is relatively simple. In the case of an Account Closed check this intent is shown through the check writer not having an existing checking account, or in the case of Non-Sufficient Funds checks, fails to pay for the check within 5 working days after receiving your Notice of/Demand for Payment of the check. Proving the identity of the check writer is more difficult and requires you to make inquiries of the check writer. Positive identification of the check writer must be made by checking proper identification (proper identification is a state issued driver's license or a state issued identification card).

To assist in the successful investigation of and prosecution of worthless check complaints leading directly to an increase in the recovery of your losses, the Police Department requires the following information:

1) IDENTIFICATION OF THE PERSON ACCEPTING THE CHECK

Clerk must at a minimum, initial the face of the check when the check is accepted.

2) IDENTIFICATION OF THE CHECK WRITER

The check writer's full name must appear on the face of the check. Clerk must identify the check writer by the actual physical comparison of the check writer's state drivers license number/state identification card number printed on the face of the check to the state drivers license/state identification card number the writer offers as identification, or if the state driver's license number/state identification card number is not printed on the face of the check, the clerk shall physically record the state driver's license number/state identification card number on the face of the check or the clerk must verify the check writer's date of birth by actual physical comparison of a state driver's license number/state identification card number and record it onto the face of the check. In either case, the writer's driver's license number/state identification card number and state of issue or the date of birth verified through a state identification card with the state of issue must be written in a prominent place on the face of the check. Due to the highly transient nature of many people, it is requested that the clerk inquire into the check writer's current address and telephone information and if different than shown on the check, record the new information onto the face of the check.

3) NOTIFICATION OF/DEMAND FOR PAYMENT

Upon return of a check to your business, you must send, by certified or registered United States Mail, written notice (sample form attached) to the check writer informing the check writer that their check was not honored and demand payment for the check. The letter must demand full payment to you within 5 working days after the check writer's receipt of the letter. In the case of Non-Sufficient Funds checks, the check must have been passed through the banking system a minimum of two (2) times and returned with the instructions "DO NOT RE-DEPOSIT" or "PRESENTED TWICE" before it will be accepted for investigation. Account Closed checks need only go through the bank one (1) time.

If the check writer does not pay for the check within 5 working days of your Notification of/Demand for Payment or if that notice is returned to you by the United States Postal Service, please use the following procedure:

- 1) Fully complete a New Richmond Police Department prosecution fact sheet (an incomplete or inaccurate fact sheet and check shall be returned to the submitting business).
- 2) Deliver the completed prosecution fact sheet, a copy of your Notice of/Demand for Payment notice, a copy of a signed certificate or registered mail receipt and the original check or a legal copy to the Police Department.

- 3) In the cases where the check has been returned to you as a forgery, an "Affidavit of Forgery", completed by the account owner, must also accompany the check before the Police Department will accept the check for investigation.

NOTE: ANY CHECK MUST BE TURNED OVER TO THE POLICE DEPARTMENT NO MORE THAN 90 DAYS AFTER IT WAS ISSUED.

Provided the above is done, the Police Department shall upon receipt of your complaint charge the check writer with Issuance of a Worthless Check. If the check writer is ordered by the Court to pay restitution, that restitution shall be turned over to you when the court receives it.

PLEASE NOTE: Once you have turned a check into the Police Department, **DO NOT** accept payment of any kind from the check writer. Direct them to contact the Police Department.

The following types of checks are **CIVIL ACTIONS**:

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|----------------------------|----------------------------------|
| 1) Payment Stopped Checks | 5) Past Consideration Checks |
| 2) Post Dated Checks | 6) Payment on Account Checks |
| 3) Agreement to Hold Check | 7) No or improper Identification |
| 4) Partial Payment Checks | 8) Checks under \$50.00 |

It should be noted that the Police Department's ability to enforce violations of the law is greatly diminished when the check writer is from outside the State of Wisconsin.

Your full cooperation will greatly increase the recovery of your losses and aid in the effective and efficient prosecution of these violations of the law.

This new policy shall not affect check cases currently pending with the Police Department, nor any checks submitted to the Police Department prior to July 1, 2015.

If you have any questions about this policy or if the Police Department can be of assistance to you, please contact Chief Mark Samelstad at 715-246-6667.

Sincerely,

Mark W. Samelstad

Mark W. Samelstad
Chief